

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:16-cv-343-RJC  
(3:04-cr-273-RJC-DCK-1)**

**DENNIS WILLIAM BROWN,** )  
 )  
 **Petitioner,** )  
 )  
 vs. )  
 )  
 **UNITED STATES OF AMERICA,** )  
 )  
 **Respondent.** )  
 \_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the Court on a Response, (Doc. No. 6), filed by counsel for Petitioner that is construed as a Motion to Stay.


Petitioner filed a 28 U.S.C. § 2255 Motion to Vacate through counsel raising a claim pursuant to Johnson v. United States, 135 S.Ct. 2551 (2015). (Doc. No. 1). This action was stayed for several years pending the Fourth Circuit Court of Appeals' consideration of United States v. Ali, No. 15-4433. (Doc. No. 4). The Court recently ordered the parties to file a Response indicating why this matter should not proceed based on the United States Supreme Court's decision in United States v. Davis, No. 18-431. (Doc. No. 5). Petitioner has now filed a Response asking that the stay pursuant to Ali remain in place and that the Court also stay the case pursuant to United States v. Taylor, No. 19-7616, in which a certificate of appealability was granted on the issues of whether attempted Hobbs Act robbery categorically qualifies as a predicate crime of violence pursuant to 18 U.S.C. § 924(c), and whether a § 924(c) conviction is subject to vacatur when the indictment charges multiple predicates, one of which is invalid. Counsel for the Government consents to this request. (Doc. No. 6 at 3). The Court finds that a

stay pursuant to Ali and Taylor is in the interest of justice and judicial economy and will be granted.

**IT IS, THEREFORE, ORDERED** that:

1. Petitioner's Response, (Doc. No. 6), is construed as a Motion to Stay and is **GRANTED**.
2. This case is held in abeyance pending the Fourth Circuit's consideration of Ali, No. 15-4433 and Taylor, No. 19-7616. The Government shall have **60 days** following the Fourth Circuit's issuance of its mandates in Ali and Taylor file an answer, motion, or other response to the § 2255 Motion to Vacate.

Signed: May 18, 2020

  
Robert J. Conrad, Jr.  
United States District Judge

